

Supreme Court of Florida

No. 76,668

DAVID LEE HUFF, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[March 21, 1991]

PER CURIAM.

David Huff seeks review of Huff v. State, 566 So. 2d 945 (Fla. 1st DCA 1990), in which the district court upheld his probationary split sentence.¹ The district court certified the following as a question of great public importance:

¹ We have jurisdiction pursuant to article V, section 3(b)(4), Florida Constitution.

DOES A DOUBLE JEOPARDY VIOLATION RESULT FROM THE IMPOSITION OF A PROBATIONARY SPLIT SENTENCE WHEN THE LEGISLATURE HAS NOT EXPLICITLY AUTHORIZED THAT DISPOSITION IN THE SENTENCING ALTERNATIVES OF SECTION 921.187, FLORIDA STATUTES?

Id. at 945-46. In Glass v. State, 16 F.L.W. 165, 165 (Fla. Feb. 7, 1991), we rephrased the identical question as:

IS THERE STATUTORY AUTHORIZATION FOR A PROBATIONARY SPLIT SENTENCE?

We answered the rephrased question in the affirmative. In accordance with Glass v. State, we approve the decision of the First District Court of Appeal in this case.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

First District - Case No. 89-972

(Escambia County)

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Assistant Public Defender, Second Judicial Circuit, Tallahassee,
Florida,

for Petitioner

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